

EXHIBIT A

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

CSX TRANSPORTATION, INC.

Plaintiff

v.

PORT ERIE PLASTICS, INC.

Defendant.

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: **CIVIL ACTION NO. 05-139 Erie**
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AFFIDAVIT OF JOHN UNDERWOOD

I, **John Underwood**, do hereby declare under penalty of perjury that I am competent to testify, and that the statement below is true and correct based on my personal knowledge:

1. I am currently employed by CSX Transportation Company ("CSX") as Manager of Supplemental Revenue, and as such am authorized to sign this Affidavit on behalf of CSX.

2. CSX is a rail carrier which transports freight in interstate commerce and was the destination or delivering carrier for all of Port Erie Plastics, Inc.'s ("PEP") inbound shipments by rail which are at issue in this matter. All of the shipments at issue in this case originated on the rail lines of the Union Pacific Railroad ("UPR").

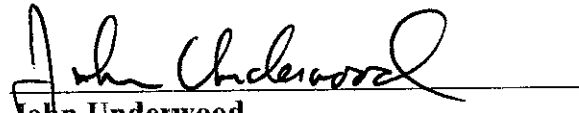
3. Rail cars owned by CSX would be identified with a rail car number containing the prefix "CSXT."

4. None of the rail cars at issue in this case were owned by CSX.

5. CSX generates "waybills" for joint movements in which it was acting as the destination carrier from information received on bills of lading received from the origin carrier over the Electronic Data Interchange system ("EDI").

6. All of CSX's waybills for the shipments at issue in this case were generated from information contained in EDI bills of lading sent to CSX by Union Pacific, the origin carrier.

FURTHER AFFIANT SAYETH NAUGHT:


John Underwood
CSX Transportation Company

Executed this 9 day of March, 2006.



